



Senate

General Assembly

File No. 208

January Session, 2011

Substitute Senate Bill No. 1060

Senate, March 24, 2011

The Committee on General Law reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ELECTRONIC PRESCRIPTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2011*) Notwithstanding the
2 provisions of subdivision (6) of subsection (j) of section 21a-254 of the
3 general statutes, the Commissioner of Consumer Protection shall, not
4 later than July 1, 2012, adopt regulations, in accordance with chapter
5 54 of the general statutes, concerning the transfer of electronic
6 prescription information, including controlled substance prescription
7 information, from prescribers to pharmacies. Such regulations shall
8 comply with electronic prescription transmission regulations of the
9 federal Drug Enforcement Administration, 21 CFR 1300 et seq., as
10 amended from time to time.

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|------------------------|-------------|
| Section 1 | <i>October 1, 2011</i> | New section |
|-----------|------------------------|-------------|

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 12 \$ | FY 13 \$ |
|--|--------------------|-----------------|-----------------|
| Consumer Protection, Dept. | GF - Cost | 36,793 | 36,793 |
| Comptroller Misc. Accounts (Fringe Benefits) ¹ | GF - Cost | 8,036 | 8,036 |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost to the state of \$44,829 in FY 12 and FY 13 as the Department of Consumer Protection (DCP) will require a half-time Drug Control Agent to meet the increased inspection requirements. The costs include a salary of \$33,793, supporting operating expenses of \$3,000 and fringe benefit costs of \$8,036. The additional inspection requirements are needed to comply with the regulations of the federal Drug Enforcement Administration (21 CFR 1300 et seq.). These requirements, which concern electronic prescriptions, result in increased time of inspection at pharmacies (DCP inspects 163 pharmacies per year) and additional time for spot inspections.

The Out Years

The annualized ongoing fiscal impact identified above would

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller on an actual cost basis. The following is provided for estimated costs associated with changes in personnel. The estimated non-pension fringe benefit rate as a percentage of payroll is 23.76%. Fringe benefit costs for new positions do not initially include pension costs as the state's pension contribution is based upon the 6/30/10 actuarial valuation for the State Employees Retirement System (SERS) which certifies the contribution for FY 12 and FY 13. Therefore, new positions will not impact the state's pension contribution until FY 14 after the next scheduled certification on 6/30/2012.

continue into the future subject to inflation.

OLR Bill Analysis**sSB 1060*****AN ACT CONCERNING ELECTRONIC PRESCRIPTIONS.*****SUMMARY:**

This bill requires the consumer protection commissioner, by July 1, 2012, to adopt regulations concerning the transfer of electronic controlled substance prescription information from prescribers to pharmacies. The regulations must comply with the regulations of the federal Drug Enforcement Administration (21 CFR 1300 *et seq.*).

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/15/2011)